

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SIT N' STAY PET SERVICES, INC.,

Plaintiff,

v.

17-CV-116
ORDER

CARRIE HOFFMAN d/b/a KELSEY'S
SIT AND STAY, d/b/a KELSEY'S SIT,
PLAY & STAY,

Defendant.

On February 7, 2017, the plaintiff commenced this action. Docket Item 1. On March 1, 2017, this Court referred this case to United States Magistrate Judge Jeremiah J. McCarthy for all proceedings under 28 United States Code Section 636(b)(1)(A) and (B). Docket Item 7. On July 11, 2017, the plaintiff moved for sanctions, Docket Item 18; on September 26, 2017, the defendant responded, Docket Item 24; and on October 3, 2017, the plaintiff replied, Docket Item 25. On October 27, 2017, Judge McCarthy issued a Report and Recommendation finding that the plaintiff's motion should be denied. Docket Item 27. The parties did not object to the Report and Recommendation, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's recommendation to which objection is made. 28 U.S.C. § 636(b)(1);

Fed. R. Civ. P. 72(b)(3). But neither 28 United States Code Section 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge McCarthy's Report and Recommendation as well as the parties' submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge McCarthy's recommendation to deny the plaintiff's motion.

For the reasons stated above and in the Report and Recommendation, the plaintiff's motion for sanctions, Docket Item 18, is DENIED. The case is referred back to Judge McCarthy for further proceedings consistent with the referral order of March 1, 2017, Docket Item 7.

SO ORDERED.

Dated: November 27, 2017
Buffalo, New York

s/Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE